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Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LI. Optometrists

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Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part LI. Optometrists

Chapter 1. General Provisions

§101. Preamble

A. The Louisiana State Board of Optometry Examiners governs the practice of optometry in accordance with the Optometry Practice Act (the "act"), R.S. 37:1041 et seq.

1. The act is incorporated herein by references, as though copied in full.

2. The act is the source of the board's authority. Primary reference should be made to the act in determining the rules governing the operation of the board. The following rules supplement and further the purposes of the act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Optometry Examiners, 1962, amended LR 13:241 (April 1987), repromulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 21:1239 (November 1995).

§103. Rulemaking Procedure

A. The board shall be governed by the provisions of the Optometry Practice Act, R.S. 37:1041 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq., in adopting rules for the operation of the board and the practice of optometry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Optometry Examiners, 1975, promulgated LR 1:463 (October 1975), amended LR 13:241 (April 1987), repromulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 21:1239 (November 1995).

§105. Legislative History

A. The practice of optometry in Louisiana was initially governed by Act 193 of 1918, which was amended by Act 181 of 1920.

B. Act 172 of 1921 revised the law as it then existed.

C. In 1950, Louisiana adopted the Revised Statutes which codified existing legislation. The practice of optometry is currently governed by Chapter 12, Title 37 of the Revised Statutes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1061 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Optometry Examiners, LR 13:241 (April 1987), repromulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 21:1239 (November 1995).

§107. Organization of the Board

A. Introduction. See the provision of the act relative to the organization of the board, in particular, R.S. 37:1041-1048.

B. Definitions

1. As used in this Chapter, the following terms have the meaning ascribed to them in this Section, unless the context clearly indicates otherwise.

2. Masculine terms shall include the feminine and, when the context requires, shall include partnership and/or professional corporations.

3. Where the context requires, singular shall include the plural or plural shall include the singular.

Act C the Optometry Practice Act, R.S. 37:1041 et seq.

Board C the Louisiana State Board of Optometry Examiners.

Diagnostic and Therapeutic Pharmaceutical Agent C any chemical in solution, suspension, emulsion, or ointment base, other than a narcotic, when applied topically that has the property of assisting in the diagnosis, prevention, treatment, or mitigation of abnormal conditions and pathology of the human eye and its adnexa; or those which may be used for such purposes; or oral antibiotics, and oral antihistamines only when used in treatment of disorders or diseases of the eye and its adnexa. Licensed pharmacists of this state shall fill prescriptions for such pharmaceutical agents of licensed optometrists certified by the board to use such pharmaceutical agents.

Licensed Optometrist C a person licensed and holding a certificate issued under the provisions of the act.

Optometry C that practice in which a person employs primary eye care procedures or applies any means other than surgery for the measurement of the power and testing the range of vision of the human eye, and determines its accommodative and refractive state, general scope of function, and the adaptation of frames and lenses, including contact lenses in all their phases, to overcome errors of refraction and restore as near as possible normal human vision. *Optometry* also includes the examination and diagnosis, and treatment of abnormal conditions and pathology of the human eye and its adnexa, including the use and prescription of diagnostic and therapeutic pharmaceutical agents. *Optometrists* shall issue prescriptions, directions and orders regarding medications and treatments which may be carried out by other health care personnel including optometrists, physicians, dentists, osteopaths, pharmacists, nurses, and others.

C. Purpose. The purpose of the board is to regulate the practice of optometry in Louisiana and to carry out the purposes and enforce the provision of the law of Louisiana relating thereto. The laws of Louisiana relating to the practice of optometry are set for the, in part, in the Optometry Practice Act, R.S. 37:1041 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1061 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Optometry Examiners, LR 13:241 (April 1987), amended by the Department of Health and Hospitals, Board of Optometry Examiners, LR 21:1239 (November 1995).

§109. Employment Restrictions

A. An optometrist, duly licensed under the provisions of the Louisiana Optometry Law as set forth in R.S. 37:1041 et seq., is prohibited from accepting employment as an optometrist from a corporation, except for professional optometric or medical corporations.

B. An optometrist, duly licensed under the provisions of the Louisiana Optometry Law as set forth in R.S. 37:1041 et seq., is prohibited from accepting employment as an optometrist from a partnership composed of persons other than duly licensed optometrists.

C. Optometrists employed as in Subsection A and B shall be considered in violation of provisions of R.S. 37:1061 and as such subject to refusal by the board to renew his or her optometry license on its annual renewal date of March 1 of each year (R.S. 37:1056) and/or subject to suspension or revocation of his certificate to practice upon due notice and hearing as provided in R.S. 37:1062.

NOTE: *Michel vs LA State Board of Optometry Examiners*, 156 So.2d 457,345 La. 1, No 46549 Supreme Court of La. June 28, 1963; Rehearing denied Oct. 9, 1963.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Optometry Examiners, September 1975, promulgated LR 13:241 (April 1987), repromulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 21:1239 (November 1995).

§111. Referrals

A. No optometrist shall offer, make, solicit, or receive payment, directly or indirectly, overtly or covertly, in cash or in-kind, for referring or soliciting patients.

B. No optometrist shall make referrals outside the same group practice as that of the referring optometrist to any other health care provider, licensed health care facility, or provider of health care goods and services including but not limited to medical suppliers, and therapeutic services when the referring optometrist has a financial interest served by such referral, unless in advance of any such referral the referring optometrist, discloses to the patient, in writing, the existence of such financial interest.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1744 and 1745.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 21:1240 (November 1995).

Chapter 3. License

§301. Continuing Education

A. Each licensed optometrist shall comply with the following continuing education requirements.

1. Standard optometry certificate holders and diagnostic pharmaceutical certificate holders shall complete between January 1 and December 31 of each calendar year at least 12 classroom hours of continuing education courses approved by the Louisiana State Board of Optometry Examiners.

2. Certificate holders authorized to diagnose and treat pathology and use and prescribe therapeutic pharmaceutical agents shall complete between January 1 and December 31 of each calendar year at least 16 classroom hours of continuing education courses approved by the Louisiana State Board of Optometry Examiners, of which at least eight classroom hours shall consist of matters related to ocular and systemic pharmacology and current diagnosis and treatment of ocular disease. Such certificate holders will be entitled to apply the CPR continuing education to their required annual continuing education, provided that such CPR continuing education shall not count toward the required eight classroom hours related to ocular and system pharmacology and current diagnosis and treatment of ocular disease, and provided further that no more than four hours of CPR continuing education may be applied to the continuing education requirement in any two calendar year periods. The eight hours of continuing education relating to ocular and systemic pharmacology and/or current diagnosis and treatment of ocular disease shall be obtained from the following sources only: clinical courses in ocular and systemic pharmacology and current diagnosis and treatment of disease sponsored by national, regional, or state optometric associations recognized by the American Optometric Association; or schools and colleges of optometry accredited by the American Optometric Association.

3. Written evidence of satisfactory completion of the continuing education requirement for the prior calendar year shall be submitted on or before the first day of March of each year.

4. Failure to submit acceptable continuing education hours and pay the applicable fee on or before March 1 of each year shall operate as an automatic suspension of the certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048 and R.S. 37:1061(17).

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Optometry Examiners, 1970, amended by Department of Health and Hospitals, Board of Optometry Examiners, LR 19:1573 (December 1993), LR 21:1240 (November 1995).

Chapter 5. Practicing Optometry

§501. Minimum Standards for an Optometric Examination

A. The optometrist shall keep the visual welfare of the patient uppermost at all times, promote the best care of the visual needs of mankind, strive continuously to develop educational, professional, clinical and technical proficiency and keep himself informed as to the new developments within his profession.

B. The optometrist shall conduct his practice in a decorous, dignified and professional manner and in keeping with the rules, regulations and ethics as promulgated by this board.

C. Minimum standards for an optometric examination are necessary in order to insure an adequate examination of a patient for whom an optometrist signs or causes to be signed, a prescription.

D. In the initial examination of the patient the optometrist shall make and record the following findings of the condition of the patient:

1. complete case history (ocular, physical, occupational, medical and other pertinent information);
2. chief ocular complaint;
3. aided and/or unaided visual acuity;
4. external examination (lids, cornea, sclera, etc.);
5. internal ophthalmoscopic examination (media, fundus, etc.);
6. neurological integrity (e.g. pupillary reflexes, direct, consensual);
7. far point subjective refraction;
8. near point subjective refraction;
9. tests of accommodation and binocular coordination at far and near, test preferably made with Phoropter;
10. tonometry.

E. The minimum standards for examination and fitting of contact lenses are necessary in order to insure an adequate examination of a patient for whom an optometrist signs or causes to be signed a prescription for a contact lens and are as follows:

1. all items contained in the minimum standards for an optometric examination;
2. ophthalmometry or keratometry;
3. slit lamp evaluation;
4. fluorescein examination (for rigid lenses);
5. diagnostic evaluation for soft lenses;
- 6.a. re-examination and re-evaluation within the following periods of time:
 - i. rigid lensesC six months;
 - ii. soft lensesC six months;
- b. if the patient does not return for this re-examination and re-evaluation, this requirement is waived.

F. In the event that the examining optometrist is not able, at the time of the examination, for any reason, to make the record of each of the points set forth herein, he shall record in writing his professional judgment for not making and recording same.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Optometry Examiners, LR 3:496 (December 1977), amended LR 13:241 (April 1987), amended by the Department of Health and Hospitals, Board of Optometry Examiners, LR 21:1240 (November 1995).

§503. License to Practice Optometry

A. Introduction. See the provisions of the act relative to the license to practice optometry, in particular, R.S. 37:1049 et seq.

B. Graduate of Approved School. Optometric educational programs that are duly accredited by the Council of Optometric Education of the American Optometric Association and recommended to the board by the International Association of Boards of Examiners in Optometry as worthy of approval will meet the statutory requirements.

C. Application for Licensure by Reciprocity. The waiver provided for by R.S. 37:1054 (reciprocity) is within the discretion of the board. The board shall refer to the laws provided for in the regulation of the practice of optometry, the public interest, the interest of licensed optometrists and the interest of the applicant in the exercise of discretion.

D. Duplicate License. The secretary of the board, subject to prior board approval, may issue a duplicate certificate upon application of the licensed optometrist if all of the provisions of the act have been satisfied, and the applicant has paid a fee of \$25 to the board.

E. Beginning Practice. Upon beginning practice, a licensee shall notify the secretary of the board as to the address of his office and the telephone number. If any time any office has relocated, the licensee involved shall notify the secretary of his new office address and telephone number. If, for any reason, he ceases to practice, he shall so notify the secretary.

F. Continuing Education. In order to qualify for the annual license renewal required by R.S. 37:1057, the following information shall be presented to the secretary of the board.

1. Written certification that the doctor requesting license renewal has completed 12 hours of continuing education between January 1 and December 31 of each year immediately preceding the March 1 renewal date set forth in R.S. 37:1057; by attendance and completion of courses approved by the Louisiana State Board of Optometry Examiners.

2. Education hours will not qualify unless they are completed within the above stated calendar period.

3. While the education hours shall be accomplished within the calendar dates set forth in Paragraph 1 hereof, the written evidence of attendance shall be submitted on or

before the first day of March of each calendar year provided that same is in the office of the secretary of the board on or before the first day of March of each calendar year in which license renewal is sought.

4. The requirement shall only be waived in cases of certified illness, certification by the commanding officer of those in the military that due to his military assignment it was impossible for him to comply or upon evidence satisfactory to the board that the applicant for renewal was unable to meet the requirement because of undue hardship.

5. Pay to the board the annual renewal fee provided in R.S. 37:1058 on or before the first day of March of each year.

G. Certification to Use Diagnostic and Therapeutic Drugs and to Treat Ocular Pathology. An optometrist may be certified to use ocular diagnostic and therapeutic pharmaceutical agents and to diagnose and treat ocular pathology. In order to obtain such certification, an optometrist shall comply with the following requirements.

1. Certification to Use Diagnostic Drugs

a. In order to be approved as an optometrist authorized to use diagnostic drugs, as set forth in Act 123 of the 1975 Session of the Louisiana Legislature, an optometrist shall present to the secretary of the Louisiana State Board of Optometry Examiners for approval by the board, the following:

i. evidence that the applicant is a licensed Louisiana optometrist, holding a current license in compliance with all license renewal requirements of the Louisiana Optometry Practice Act for the year in which he applies for certification;

ii. transcript credits, in writing, evidencing that the applicant has completed a minimum of five university semester hours in pharmacology from an accredited university or college of optometry, subsequent to December 31, 1971. The pharmacology hours shall consist of a minimum of two hours in general pharmacology and a minimum of three hours in ocular pharmacology.

b. Upon submission of the above, the secretary shall present same to the board for approval at the next regular meeting. Upon approval by the board, the secretary shall cause to be issued to the optometrist a certificate indicating compliance with the legislative requirement and intent.

c. The certificate issued by the secretary shall be over the secretary's signature and bear a number identical to the number on the license originally issued by the board to the optometrist.

2. Certification to Treat Pathology and to Use and Prescribe Therapeutic Pharmaceutical Agents

a. Definitions. For purposes of this Paragraph 2 the following definitions shall apply:

Application Date the date the board receives in its office by certified mail return receipt requested an application for certification under this Paragraph 2.

Approved Educational Institution Can educational institution providing education in optometry that is approved by the board and is accredited by a regional or professional accrediting organization which is recognized or approved by the Council of Post-secondary Accreditation of the United States Department of Education.

Board the Louisiana State Board of Optometry Examiners

Treatment and Management of Ocular Disease (TMOD) Ctest administered by the International Association of Board of Optometry.

b. Requirements for Certification. In order to obtain certification under this Paragraph 2, an optometrist shall present to the secretary of the Louisiana State Board of Optometry Examiners for approval by the board:

i. a certified transcript from an approved educational institution evidencing satisfaction of the educational prerequisites for certification to use diagnostic pharmaceutical agents as set forth in LAC 46:LI.503.G.1.a.ii or evidence of current certification by the board for the use of diagnostic pharmaceutical agents under LAC 46:LI.503.G.1; and

ii. certification from the American Heart Association or the American Red Cross evidencing current qualification to perform cardiopulmonary resuscitation (CPR). The certification must show completion of the basic CPR course or recertification within six months of the application date in order to be considered "current"; and

iii. a signed statement from the applicant stating that he or she possesses operable and unexpired child and adult automatic epinephrine injector kits in every office location in which the applicant practices; and

iv. a certified transcript from an approved educational institution evidencing satisfactory completion after January 1, 1985 of 46 clock hours of classroom education and 34 clock hours of supervised clinical training which are equivalent to at least five semester hours of postgraduate education in the examination, diagnosis and treatment of abnormal conditions and pathology of the human eye and its adnexa. The board shall obtain such written certification as it deems appropriate to satisfy itself that the courses reflect on the transcript satisfy the statutory course requirements set forth in R.S. 37:1051(C). Inability of the board to obtain satisfactory written certification as set forth in the preceding sentence shall result in rejection of the optometrist's application under this Section; and

(a) if the applicant's transcript reflects graduation from an accredited school of optometry or completion of the required five semester hours in the examination, diagnosis, and treatment of abnormal conditions and pathology of the human eye and adnexa, between January 1, 1989 and December 31, 1992, the applicant shall also provide written evidence of satisfactorily completing, within the previous year of the application date, at least 12 clock hours of board approved update training in recent ocular and systemic pharmacology and current diagnosis and treatment of ocular disease; or

(b). if the applicant's transcript reflects graduation from an accredited school of optometry or completion of the required five semester hours in the examination, diagnosis, and treatment of abnormal conditions and pathology of the human eye and adnexa, between January 1, 1985 and December 31, 1988, the applicant shall also provide written evidence of satisfactorily completing, within the previous year of the application date, at least 20 clock hours of board approved update training in recent ocular and systemic pharmacology and current diagnosis and treatment of ocular disease; or

(c). if the applicant's transcript reflects graduation from an accredited school of optometry after January 1, 1993, the applicant shall be deemed to have met the educational requirements and upon submission of evidence of current CPR certification and possession of the appropriate epinephrine injector kits the applicant shall be certified; or

v. in lieu of the requirements of LAC 46:LI.503.G.2.b.iv above, written proof of having passed the TMOD and a certified transcript from an approved educational institution evidencing successful completion of 34 clock hours of supervised clinical training after January 1, 1985 which are equivalent to at least two semester hours of postgraduate clinical education in the examination, diagnosis and treatment of abnormal conditions and pathology of the human eye and its adnexa.

3. Certificates. The board will provide each optometrist certified under the provisions of this Subsection with a certificate bearing the original optometric license number followed by a therapeutic certification number.

a. Original therapeutic pharmaceutical agent certificate feeC\$150

b. Annual renewal of TPA certificateC\$100

c. T.P.A. re-instatement feeC\$150

H. Prescriptions

1. Every written prescription shall contain an expiration date and the signature of the optometrist issuing the prescription. The expiration date may not exceed 18 months.

2. Contact lenses may not be sold or dispensed without a written, signed, unexpired prescription.

3. An optometrist may not refuse to release to a patient a copy of the patient's prescription if requested by the patient.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048 and R.S. 37:1051.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board of Optometry Examiners, September 1975, promulgated LR 1:463 (October 1975), amended LR 13:241 (April 1987), amended by the Department of Health and Hospitals, Board of Optometry Examiners, LR 19:1573 (December 1993), LR 21:1241 (November 1995).

Chapter 7. Examinations

§701. Written Examination

A. Beginning January 1, 1986, a graduate of an approved school or college of optometry may submit evidence of having reached the recommended levels of acceptable performance on all written parts of the National Board of Examiners in Optometry and a true written copy of the score report of such national board examination to the secretary of the Louisiana State Board of Examiners in lieu of taking the written examination administered by the Louisiana State Board of Optometry Examiners; and

B.1. Beginning with the graduating classes of 1989, every new graduate of an approved school or college of optometry making application to this board for examination and licensure shall submit evidence of having reached the recommended levels of acceptable performance on all written parts of the National Board of Examiners in Optometry and shall cause to be furnished a true written copy of the score report of such national board examinations to the secretary of the board prior to approval by the board of his application to take the clinical-practicum examination administered by the board.

2. Each applicant, after the requirements of the written examination are satisfied, will be given clinical-practicum examinations in written and/or clinical and/or practical form, said examinations to cover those subjects essential to the practice of optometry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1048.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 12:22 (January 1986), repromulgated by the Department of Health and Hospitals, Board of Optometry Examiners, LR 21:1242 (November 1995).

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